



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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June 19, 2014

Harold and Vickie White
1340 Fairfield Street
Morgantown, WV 26505

**RE: V14-26 / White / 1340 Fairfield Street
Tax Map 2, Parcel 67**

Dear Mr. White,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1331.08 as it relates to setbacks for an accessory structure at 1340 Fairfield Street.

The decision is as follows:

Board of Zoning Appeals, June 18, 2014:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved a one (1) foot variance from the setback requirements for accessory structures provided in Article 1331.08(3) without conditions.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that a building permit must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary
Development Services Department

ADDENDUM A – Approved Findings of Fact

V14-26 / White / 1340 Fairfield Street

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The proposed location of the gazebo is at the northeast corner of the petitioner's property. The only nearby structure is a detached garage. The proposed location of the gazebo adjoins the far rear yard corners of neighboring properties. The variance of one (1) foot should not manifest harm to public interests, the public realm, or the rights of adjoining property owners.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The petitioner purports that existing decking in the side and rear yard hinder the placement of the proposed gazebo to conform to minimum setback requirements for accessory structures.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The petitioner purports that existing decking in the side and rear yard hinder the placement of the proposed gazebo to conform to minimum setback requirements for accessory structures. The one-foot variance appears to be reasonable given conditions of the surrounding built environment in terms of proximity of neighboring principal and accessory structures and the utilization characteristics of adjoining rear yards as outdoor open space.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The proposed location of the gazebo is furthest from neighboring principal structures. Granting a one-foot variance in this case should not undermine the intent of protecting property values; preserving the comfort, convenience, and enjoyment of adjoining properties; and mitigating potential encroachment of nuisances or hazards.